

REMARKS

The Examiner originally rejected pending claims under 35 U.S.C. §102(e) in view of U.S. Patent No. 6,051,810. Applicant stated in the Amendment filed on April 15, 2004 that the pending claims in the above-identified patent application were directed to a circuit that was disclosed in U.S. Patent No. 6,051,810; and that the circuit being claimed in the above-identified patent application was invented by Elliott K. Stava, not Steven R. Peters. In an effort to correct this inventorship issue, the named inventors in the above-identified patent application were changed pursuant to 37 C.F.R. §1.48(b). The removal of Steven R. Peters as a named inventor resulted in Elliott K. Stava being the sole listed inventor for the claimed invention in the above-identified patent application. Since Elliott K. Stava was the sole listed inventor for the claimed invention in U.S. Patent No. 6,051,810, Applicant requested the withdrawal of the rejection pursuant to 35 U.S.C. §102(e).

The Examiner in the Final Office Action asserted that 37 C.F.R. §1.48(b) did not apply since the claims were not changed by an amendment. Applicant disagrees. In a Preliminary Amendment filed with the patent application, Applicant cancelled the 81 originally filed claims and added new claims 82-131. Accordingly, during the prosecution of this patent application, the claims were changed from the originally filed claims. Applicant unfortunately did not correct the named inventors at the time of filing the Preliminary Amendment. Applicant now requests entry of the changed of inventorship pursuant to 37 C.F.R. §1.48(b).

The Examiner also objected to the specification for not setting forth the correct priority statement. Applicant has amended the specification to address this objection by the Examiner.

Applicant submits that the above-identified patent application is now in condition for allowance.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

ROBERT V. VICKERS
Reg. No. 19,504
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
Telephone: (216) 861-5582
Facsimile: (216) 241-1666